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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matsko

Serial No.: 09/629,170

Filed: July 31, 2000

For: METHOD AND APPARATUS FOR STORING RETAIL PERFORMANCE METRICS

Group: 3623

Examiner: Shaffer, Eric T.

Durham, North Carolina
April 27, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

Sirs:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 703-872-9306 on the date set forth below.

1. Amendment Transmittal (2 pages)
2. Comments on Statement for Reasons for Allowance (2 pages)

Vickie Diane Prior

Printed name of person signing

Vickie Diane Prior

Signature

Date: April 27, 2005

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For: METHOD AND APPARATUS FOR
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Group: 3623

Examiner: Van Doren, Beth

Durham, North Carolina
April 27, 2005

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P.O. Box 1450
Alexandria, VA 22313-1450

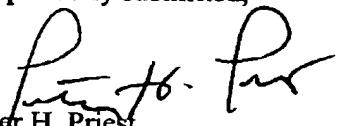
Comments on Statement for Reasons for Allowance

Sir:

The following comments are made with respect to the Reasons for Allowance mailed April 4, 2005, in the above case. As stated by the MPEP in Section 1302.14, “[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reason for allowance...do not place unwarranted interpretations, whether broad or narrow, upon the claims.” Further, the “statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or implicitly state that all the reasons for allowance are set forth.”

Under 35 U.S.C. §103, it is mandated that claims be considered as a whole. When considered as a whole, it will be seen that the Examiner has appropriately focused upon particular reasons for allowance and not all the reasons for allowance. While in light of Section 1302.14, applicant does not believe that the Examiner's statement can or should be misconstrued as being intended to identify the sole reasons for allowance, applicant does not acquiesce in such a conclusion as there are multiple reasons for allowance of all of the claims. The reasons addressed are clearly exemplary and not exhaustive.

Respectfully submitted,



Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713-7736
(919) 806-1600